



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/243,269	02/03/1999	HELENA G. KOAY	L0012/7006	2256

26291 7590 07/11/2003

MOSER, PATTERSON & SHERIDAN L.L.P.  
595 SHREWSBURY AVE  
FIRST FLOOR  
SHREWSBURY, NJ 07702

EXAMINER

KWOH, JASPER C

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 07/11/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/243,269

Applicant(s)

KOAY, HELENA G.

Examiner

Jasper Kwoh

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 28-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-52 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/1/02 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the alarm processing system mentioned in claim 46 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 28-29, 33-44, and 48-50 rejected under 35 U.S.C. 102(e) as being anticipated by Liang et al. (US 5,732,086).

Regarding claim 28 and 48, Liang et al. discloses a method and network comprising at least two network devices (i.e. fig. 1, at least 9 network devices); and at least one controller including detecting network modification (i.e. 2, 22, 23, states for adjusting and updating); causing one network device to transmit a first port ID message to a successive network device including one network device's perception of the link (i.e. col. 5, ll. 34-43, the port transmits including identifier of the link port of the sender and the identifier of the destination); receiving a second port ID message from the successive network device including the successive network's device's perception of

the link (i.e. col. 5, ll. 44-54, acknowledgement is received including link port of the neighbor and send link and destination fields are included); compare the perceptions; and update if perception does not agree (i.e. col. 7, ll. 1-5, col. 8, ll. 3-23, the received information is used to update the table including the situation just as adjusting state where the changes are merged, if no changes then stable state and nothing is changed).

Regarding claim 29, Liang et al. discloses the network devices comprises ports (i.e. fig. 1, every node has 4 ports),

Regarding claims 33-34, Liang et al. discloses controller is incorporated in the devices (i.e. fig. 2, 22 and 23 are in the device),

Regarding claim 35, Liang et al. discloses nodes are neighbors (i.e. fig. 1, ports are connected to neighboring ports so the devices are neighboring devices),

Regarding claims 36-37, 39-40, 43 and 49-50, Liang et al. discloses device identity is part of the perception (i.e. col. 5, ll. 55-58, same 5 fields are send between the ports),

Regarding claim 38, one device is substantially at the beginning of the path and the other substantially at the end (i.e. fig. 1, one port is one end the other port at the other end),

Regarding claims 41-42, network modification includes addition of device and reconfiguration of link (i.e. fig. 4, state, machine shows this functions with addition of device as well as changes in the link such as due to failure),

Regarding claim 44, develop a network map (i.e. fig. 2, 26, topology table is developed and maintained).

***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 30-32, 45, 47 and 52 rejected under 35 U.S.C. 103(a) as being unpatentable over Liang et al in view of Lu (US005815490A).

Liang et al. does not specifically disclose that the network is a bi-directional ring wherein the system includes SONET ports, SDH ports and optical paths, and network mapping is used to configure bandwidth. However, Lu teaches that the network is a bi-directional ring (i.e. fig. 5) wherein the system includes SONET ports, SDH ports and optical paths (i.e. fig. 5, is an optical SDH ring which is also applicable to the north American version SONET col. 1, ll. 39-40), and network mapping is used to configure bandwidth (i.e. the map is use to control the traffic pattern that results is efficient bandwidth allocation as summarized in col. 19, ll. 19-21). Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include the network is a bi-directional ring wherein the system includes SONET ports, SDH ports and optical paths, and network mapping is used to configure bandwidth as taught by Lu with the network of Liang et al. in order to increase allow the use of the update procedure in a desired optical network and increase the more economical use of the links.

Art Unit: 2663

6. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liang et al. in view of Yamasaki et al. (US005909175A).

Liang et al does not specifically disclose an alarm processing system including rerouting communication resulting from the alarm. However, Yamasaki et al. teaches to monitor the alarm and changes the path (i.e. fig. 3, col. 9, ll. 8-10, depending on the alarm a different path is used). Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include monitoring alarm and changing the path as taught by Yamasaki et al. with the network of Liang et al. in order to ensure the information gets to the destination by rerouting when there is a fault in the connection.

7. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liang et al. in view of Frey et al. (US005982783A).

Liang does not specifically disclose that the protocol used between the ports is LAPD. However, Frey et al. teaches that LAPD is a standard protocol (i.e. col. 4, ll. 19-23) ISO OSI link layer 2 protocol for packet bus). Therefore, it would have been obvious to an ordinary person skilled in the art at the time of the invention to include using LAPD with the method of Liang et al. in order to ensure data integrity during transport.

### ***Response to Arguments***

8. Applicant's arguments filed 5/5/03 have been fully considered but they are not persuasive.

9. Applicant asserts that Liang et al. does not disclose the updating step as claimed. Examiner respectfully disagrees. Applicant asserts that according to Liang,

Art Unit: 2663

col. 3, ll. 48-60 and col. 5, ll. 21-25, it does not teach the updating step. However, the Examiner in rejecting the claims does not rely on those sections. The sections that are being used to show updating step are clearly stated above (i.e. col. 7, ll. 1-5, col. 8, ll. 3-23, the received information is used to update the table including the situation just as adjusting state where the changes are merged, if no changes then stable state and nothing is changed). Because all the limitations are taught in the Liang et al. reference, the rejection is maintained.

10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., See specification page 8, line 27 through page 9 line 1 and page 10 lines 14-17) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. The reference shows, for example, by col. 7, ll. 1-5, col. 8, ll. 3-23, the received information is used to update the table including the situation with adjusting state where the changes are merged, if no changes then stable state and nothing is changed. The claims read on those sections. Therefore, the updating step is disclosed in the reference.

12. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all the references are in the area of network management; therefore an ordinary person skilled in the art would know about them and their advantages.

13. Because Liang et al. does disclose the updating step, applicant's arguments are not persuasive. Thus, Examiner asserts that all the limitations are disclosed or taught singularly or in combination in the cited references. Therefore, the rejections are maintained.

#### ***Conclusion***

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



Art Unit: 2663

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

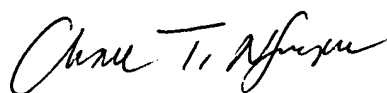
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Jasper Kwoh  
Examiner  
Art Unit 2663



JK  
July 7, 2003



CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600